

Marquette Law School Poll: National survey finds two-thirds of public support confirming Ketanji Brown Jackson as a Supreme Court justice

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New Marquette Law School Poll national survey finds two-thirds of public support confirming Ketanji Brown Jackson as a Supreme Court justice

Please note: Complete Poll results and methodology information can be found online at law.marquette.edu/poll

MILWAUKEE —In a new Marquette Law School Poll national survey, 66% of adults say that, if senators, they would support the nomination of Ketanji Brown Jackson to the Supreme Court, while 34% would oppose her nomination. She is seen as “very qualified” by 46% of the public and as “somewhat qualified” by 42%, while 12% see her as “not qualified.”

Support among Democrats is nearly unanimous, with about two-thirds of independents and 29% of Republicans in favor of her confirmation, as shown in Table 1.

All results in the tables below are stated as percentages; the precise wording of the questions can be found in the online link noted above.

Table 1: Support or oppose nomination of Ketanji Brown Jackson to the Supreme Court, by party identification

Party ID	Support	Oppose
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Republican	29	71
Independent	67	32
Democrat	95	5

The survey was conducted March 14-24, 2022, interviewing 1,004 adults nationwide, with a margin of error of +/-4 percentage points. Jackson’s confirmation hearings were conducted near the end of the survey period, with 837 interviews conducted before the hearings began and 167 interviews conducted after hearings began.

Those interviewed after the Senate confirmations hearings began were somewhat more likely to say they supported her confirmation: Jackson was supported by 64% of those interviewed before the hearings and by 72% after hearings had begun. Prior to the hearings, 44% said Jackson was very qualified, while after hearings began 52% said she was very qualified.

Support for Jackson’s appointment is 86% among Black adults, followed by Hispanic respondents at 76%. Support among white people is at 59%. See Table 2.

Table 2: Support or oppose nomination of Ketanji Brown Jackson to the Supreme Court, by race and ethnicity

Race/ethnicity	Support	Oppose
White	59	40
Black	86	14
Hispanic	76	24
Other/Multiple	71	28

Women are somewhat more supportive of Jackson’s confirmation than are men, with 69% of women favoring confirmation and 61% of men in support, as shown in Table 3.

Table 3: Support or oppose nomination of Ketanji Brown Jackson to the Supreme Court, by gender

Gender	Support	Oppose
Male	61	39

Female 69 30

Support for Jackson’s confirmation also varies with the respondent’s political ideology. There is strong opposition among those who describe themselves as “very conservative,” while those who say they are “somewhat conservative” are close to evenly divided. Among moderates, nearly 70% support her nomination, and more than 90% of liberals do so, as shown in Table 4.

Table 4: Support or oppose nomination of Ketanji Brown Jackson to the Supreme Court, by self-described ideology

Ideology	Support	Oppose
Very conservative	27	72
Somewhat conservative	45	54
Moderate	69	30
Somewhat liberal	92	8
Very liberal	94	6

Effect of race and gender on views of Jackson

To test the connection of race and gender with views of Jackson, a random half of respondents were asked a question that described her as “nominated to be the first Black woman on the Supreme Court,” while the other random half were asked a question that described her as “nominated to replace Justice Stephen Breyer on the Supreme Court.”

When Jackson’s race and gender were mentioned, 69% supported her confirmation, compared to 62% when race and gender were not mentioned. The difference is not statistically significant, given the size of the difference and the sample size. These results are shown in Table 5.

Table 5: If you had a vote in the Senate, would you support or oppose the nomination of Ketanji Brown Jackson to the Supreme Court, by whether race and gender had been used in a previous survey question to describe her.

Race and gender experiment	Support	Oppose
Race and gender not mentioned	62	37
Race and gender mentioned	69	30

Similarly, on the matter of views of her qualifications, there was no statistically significant difference in public opinion when her race and gender had been previously mentioned, as shown in Table 6.

Table 6: Do you think Ketanji Brown Jackson is very qualified, somewhat qualified, or not qualified to serve on the Supreme Court, by whether race and gender had been used in a previous question to describe her.

Race and gender experiment	Very qualified	Somewhat qualified	Not qualified	Skipped
Race and gender not mentioned	45	41	14	0
Race and gender mentioned	47	43	9	1

Favorable and unfavorable views of Jackson and current justices

With the spotlight focused on Jackson as a nominee to the Court, the public is more willing to give her a favorable or unfavorable rating than they are for any of the current justices. The public has quite favorable views of Jackson—44% favorable to 18% unfavorable—although 38% say they don't know enough about her to express an opinion. Table 7 shows Jackson's favorability ratings along with those of the current justices, as measured in the Marquette Law School Poll's national survey in January. She is both better known and has a higher net favorability rating than anyone currently on the Court.

Table 7: Recognition and favorability ratings of Ketanji Brown Jackson and of current justices. (Jackson measured in March, justices measured in January 2022)

Justice	Able to rate	Net favorability	Favorable	Unfavorable
Stephen Breyer	21	7	14	7
Samuel Alito	26	6	16	10
Elena Kagan	28	8	18	10
Neil Gorsuch	29	1	15	14
John Roberts	38	12	25	13
Amy Barrett	46	-2	22	24
Sonia Sotomayor	50	20	35	15

Brett Kavanaugh	53	-11	21	32
Clarence Thomas	55	5	30	25
Ketanji Brown Jackson (nominee)	62	26	44	18

Justification for opposing a nomination

A minority, 40%, say a senator would be justified in voting against a qualified Supreme Court nominee, with no ethical problems, based on how the senator believes the nominee would decide cases on issues such as abortion, gun control, or affirmative action, while a majority, 59%, say voting against such a nominee would not be justified. Table 8 shows the trend on this question since 2019.

Table 8: If a nominee for the US Supreme Court is qualified and has no ethical problems, would US Senators be justified or not justified in voting against that nominee simply because of how they believe the Justice would decide cases on issues such as abortion, gun control, or affirmative action, trend since 2019.

Poll dates	Justified in voting against the nominee	Not justified in voting against the nominee
9/3-13/19	37	61
9/8-15/20	41	58
3/14-24/22	40	59

A smaller minority, 17%, think a senator would be justified in voting against a qualified nominee simply because the senator is of a different party from the nominating president, while 82% say this would not be justifiable. The trend in this opinion is shown in Table 9.

Table 9: If a nominee for the US Supreme Court is qualified and has no ethical problems, would US Senators be justified or not justified in voting against that nominee simply because the Senator is from a different political party from the president who made the nomination, trend since 2019.

Poll dates	Justified in voting against the nominee	Not justified in voting against the nominee
9/3-13/19	19	79
9/8-15/20	21	78

When Republican Donald Trump was in the White House, Republicans were less likely to say it was appropriate to reject a nominee on policy grounds, but that percentage rose substantially this year, with Democrat Joe Biden as president. Similarly, more Democrats thought it appropriate to reject nominees on policy grounds when Trump was president than they do now with Biden. Independents show little difference between the Trump and Biden presidencies. These differences are shown in Table 10.

Table 10: If a nominee for the US Supreme Court is qualified and has no ethical problems, would US Senators be justified or not justified in voting against that nominee simply because of how they believe the Justice would decide cases on issues such as abortion, gun control, or affirmative action, by party trend since 2019.

Party ID	Poll dates	Justified in voting against the nominee	Not justified in voting against the nominee
Republican	9/3-13/19	36	63
Republican	9/8-15/20	39	60
Republican	3/14-24/22	58	42
Independent	9/3-13/19	33	66
Independent	9/8-15/20	36	62
Independent	3/14-24/22	38	62
Democrat	9/3-13/19	43	55
Democrat	9/8-15/20	47	52
Democrat	3/14-24/22	29	71

To return to the matter of views on rejecting nominees purely on party grounds (as opposed to beliefs about decisions on cases), there is less change within the parties, as shown in Table 11, although Democrats became more strongly opposed to rejecting due to party in 2022.

Table 11: If a nominee for the US Supreme Court is qualified and has no ethical

problems, would US Senators be justified or not justified in voting against that nominee simply because the Senator is from a different political party from the president who made the nomination, by party trend since 2019.

Party ID	Poll dates	Justified in voting against the nominee	Not justified in voting against the nominee
Republican	9/3-13/19	20	79
Republican	9/8-15/20	21	79
Republican	3/14-24/22	23	76
Independent	9/3-13/19	17	81
Independent	9/8-15/20	17	81
Independent	3/14-24/22	17	82
Democrat	9/3-13/19	21	76
Democrat	9/8-15/20	24	74
Democrat	3/14-24/22	13	87

Importance of Court appointments

Democrats rate the importance of the appointment to the Court somewhat higher than do Republicans, a change from 2019 when both parties rated Court nominations as equally important. In the current March survey, 61% of Democrats said the nomination was very important to them, compared to 44% of Republicans. In the September 2019 Marquette poll, 54% of Democrats and 53% of Republicans said a Court appointment was very important to them. At the time of the 2019 survey, there was no vacancy or pending nomination.

Perception of shifts in the Court

If she is confirmed, 13% of respondents think Jackson would make the Court much more liberal, 33% say somewhat more liberal, and 45% think she would not change the Court much. Six percent think she would make the Court somewhat more conservative, and 2% say she would make it much more conservative.

Asked how the Supreme Court has changed over the last 15 years, 19% say it has gotten much more conservative, 31% say somewhat more conservative, 17% somewhat more liberal, and 3% say it has gotten much more liberal. Thirty percent say it hasn't changed much. These perceptions are different by party, with Republicans more likely to see the Court as having shifted to the left, despite an

increased majority of justices appointed by Republican presidents. Table 12 shows the perceived shifts in the Court by party identification. Fully 37% of Republicans see the Court as having become somewhat or much more liberal, a view held by 19% of independents and 6% of Democrats. Conversely, 69% of Democrats say the Court has gotten somewhat or much more conservative, as do 48% of independents and 29% of Republicans.

Table 12: Perceived shift in Supreme Court ideology over past 15 years, by party identification.

Party ID	Much more conservative	Somewhat more conservative	Hasn't changed much	Somewhat more liberal	Much more liberal
Republican	6	23	33	32	5
Independent	15	33	32	15	4
Democrat	35	34	24	6	0

Some of these perceptual differences are due to limitations in knowledge of the makeup of the Court.

To begin: Overall, 71% of respondents say that probably or definitely a majority of the justices were appointed by Republican presidents, while 29% think the majority were probably or definitely appointed by Democratic presidents. (Six of the nine current justices were appointed by Republican presidents, a total that will not change if Brown is confirmed.) Among Republicans, 29% think a majority of justices were appointed by Democratic presidents, a view held by 31% of independents and 23% of Democrats, as shown in Table 13.

Table 13: Perceived majority of Court appointments, by party identification.

Party ID	Definitely a majority appointed by Democratic presidents	Probably a majority appointed by Democratic presidents	Probably a majority appointed by Republican presidents	Definitely a majority appointed by Republican presidents
Republican	4	25	48	22
Independent	4	27	48	20
Democrat	5	18	44	33

Table 14 shows the differences in perceived shifts of the Court by respondents' partisanship and their perceptions of which party's president made a majority of appointments. Across each partisan category, those who understand that a majority of justices have been appointed by Republican presidents are more likely to see the Court as having shifted to the right than are those who erroneously believe a majority to have been appointed by Democratic presidents. Even so, Republicans who know that there is a Republican-appointed majority are much less likely to perceive a shift in a conservative direction than are independents or Democrats.

Table 14: Perceived shift of the Court, by perceived majority of Court appointments and by party identification.

Party ID	Perceived majority	More conservative	Hasn't changed	More liberal
Republican	Democratic majority	18	30	51
Republican	Republican majority	34	35	31
Independent	Democratic majority	24	46	30
Independent	Republican majority	59	26	15
Democrat	Democratic majority	56	31	13
Democrat	Republican majority	74	22	4

When asked to place the current Court on an ideological scale, 15% say it is very conservative, 37% somewhat conservative, 36% moderate, 10% somewhat liberal, and 2% very liberal. Collapsing these categories into conservative, moderate, and liberal finds an increase in the percentage saying the Court is conservative following the appointment of Justice Amy Coney Barrett after the September 2020 poll was conducted.

Table 15: Perceived ideology of the Supreme Court, trend since 2019.

Poll dates	Conservative	Moderate	Liberal
9/3-13/19	38	50	11
9/8-15/20	35	54	11
7/16-26/21	50	42	7
9/7-16/21	51	40	9
11/1-10/21	51	39	9
1/10-21/22	54	35	10

3/14-24/22 52 36 12

The trend in greater numbers seeing the Court as conservative exists both among those who believe there is a majority of justices appointed by Democratic presidents and among those aware that there is a majority appointed by Republican presidents, with the latter group continuing to hold this view of the Court's ideology in greater absolute numbers (all as shown in Table 16 (a) and Table 16 (b)).

Table 16: Perceived ideology of the Supreme Court, by perceived majority

(a) Among those who believe there is a Democratic-appointed majority on the Court

Poll dates	Conservative	Moderate	Liberal
9/3-13/19	17	61	22
9/8-15/20	16	59	25
7/16-26/21	25	63	12
9/7-16/21	27	52	21
11/1-10/21	32	52	15
1/10-21/22	22	52	26
3/14-24/22	32	47	21

(b) Among those who believe there is a Republican-appointed majority on the Court

Poll dates	Conservative	Moderate	Liberal
9/3-13/19	47	46	7
9/8-15/20	44	51	5
7/16-26/21	59	35	6
9/7-16/21	59	36	5
11/1-10/21	59	35	7
1/10-21/22	64	30	6
3/14-24/22	60	32	8

Perceptions of trends in Court rulings

While few citizens outside the legal profession read Supreme Court decisions, the public does develop an impression of the direction the Court takes over time. Across several topics, Table 17 shows how the public thinks the Court has expanded or

reduced the rights of people in various groups over the past “15 years or so.”

Table 17: Perception of the expansion or reduction of rights.

Rights protected for...	Expanded rights	Reduced rights	Net expanded	Has not changed much either way
LGBT people	71	14	57	15
Campaign donors	40	12	28	48
Minority voters	36	25	11	39
Religious people and organizations	31	23	8	46
Gun owners	29	28	1	43
Abortion seekers	19	49	-30	31

Approval of the way the Court is handling its job

In the March survey, 54% approve of the way the Court is handling its job, while 45% disapprove. The trend in Court approval is shown in Table 18. After a drop in September 2021, public approval of the Court’s handling of its job has recovered slightly but remains below the levels of July 2021 or September 2020.

Table 18: Approve or disapprove of the way the Supreme Court is handling its job, September 2020-March 2022

Poll dates	Approve	Disapprove	Refused
9/8-15/20	66	33	1
7/16-26/21	60	39	1
9/7-16/21	49	50	1
11/1-10/21	54	46	1
1/10-21/22	52	46	2
3/14-24/22	54	45	1

Partisan differences in approval of the Court are shown in Table 19. While other views of the Court show sharper differences (such as in Table 1 for Jackson’s confirmation or on specific cases as shown below), approval is somewhat less

partisan, with a near-even split in approval among Democrats and independents and a substantial majority approval among Republicans but more than a third of Republicans disapproving.

Table 19: Approve or disapprove of the way the Supreme Court is handling its job, by party, March 2022

Party ID	Approve	Disapprove	Refused
Republican	64	36	0
Independent	51	48	2
Democrat	52	48	0

Opinion of possible future Court decisions

There has been only slight variation in opinion on overturning the *Roe v. Wade* abortion-rights decision since September 2021, as shown in Table 20. The percentages in the table show results among those with an opinion of the case.

*Table 20: Overturn *Roe v. Wade*, thus strike down the 1973 decision that made abortion legal in all 50 states, among those with an opinion, September 2021-March 2022*

Poll dates	Favor	Oppose
9/7-16/21	28	72
11/1-10/21	30	70
1/10-21/22	28	72
3/14-24/22	32	68

There are sharp partisan differences in opinion about *Roe*, as shown in Table 21.

*Table 21: Overturn *Roe v. Wade*, thus strike down the 1973 decision that made abortion legal in all 50 states, among those with an opinion, by party identification, March 2022*

Party ID	Favor	Oppose
Republican	68	32
Independent	31	69

Democrat 8 92

Consideration of race in college admissions is at issue in two cases the Court has accepted for argument in the October 2022 term. Strong majorities of those with an opinion favor a Court decision that colleges cannot consider race as one of several factors in admissions. The trend of this issue is shown in Table 22.

Table 22: Rule that colleges cannot use race as one of several factors in deciding which applicants to admit, among those with an opinion, September 2021-March 2022

Poll dates Favor Oppose

9/7-16/21 81 19
 3/14-24/22 75 25

Differences in opinion on use of race in admissions by party are shown in Table 23.

Table 23: Rule that colleges cannot use race as one of several factors in deciding which applicants to admit, among those with an opinion, by party, March 2022

Party ID Favor Oppose

Republican 89 11
 Independent 76 24
 Democrat 58 42

Differences by race and ethnicity are shown in Table 24. More than three-quarters of white respondents, more than two-thirds of Hispanic respondents, and more than half of Black respondents would favor a ruling by the Court against the use of race in college admissions, as would 8-in-10 of those with other or multiple-race backgrounds.

Table 24: Rule that colleges cannot use race as one of several factors in deciding which applicants to admit, by race and ethnicity, among those with an opinion, March 2022

Race and ethnicity Favor Oppose

White 79 21
 Black 58 42

Hispanic	70	30
Other/Multiple	81	19

Another case the Court has accepted for a future decision concerns whether a business can, based on religious or free speech rights, refuse to provide some services to gay people. A majority of those with an opinion on this are opposed to a decision that would allow such a refusal of services, as shown in Table 25.

Table 25: Decide that a business owner’s religious beliefs or free speech rights can justify refusing some services to gay people, among those with an opinion, March 2022

Poll dates Favor Oppose

3/14-24/22	39	61
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Party differences on this are shown in Table 26.

Table 26: Decide that a business owner’s religious beliefs or free speech rights can justify refusing some services to gay people, among those with an opinion, by party, March 2022

Party ID Favor Oppose

Republican	70	30
Independent	39	61
Democrat	14	86

The Court is expected to decide a case on the scope of the Second Amendment this term concerning the right to possess a gun outside the home. Table 27 shows the trend in opinion on this case.

Table 27: Rule that the 2nd Amendment right to “keep and bear arms” protects the right to carry a gun outside the home, among those with an opinion, September 2021-March 2022

Poll dates Favor Oppose

9/7-16/21	63	37
11/1-10/21	65	35

1/10-21/22 67 33
3/14-24/22 63 37

Party differences on the extent of Second Amendment rights are shown in Table 28.

Table 28: Rule that the 2nd Amendment right to 'keep and bear arms' protects the right to carry a gun outside the home, among those with an opinion, by party March 2022

Party ID	Favor	Oppose
Republican	90	10
Independent	70	30
Democrat	28	72

About the Marquette Law School Poll

The survey was conducted March 14-24, 2022, interviewing 1,004 adults nationwide, with a margin of error of +/-4 percentage points. Interviews were conducted using the SSRS Opinion Panel, a national probability sample with interviews conducted online. The detailed methodology statement, survey instrument, topline results, and crosstabs for this release are available at <https://law.marquette.edu/poll/category/results-and-data/>. Some items from this survey, on other topics, are held for release one day later.

Wording of questions about possible future Supreme Court decisions: These items do not attempt to exactly frame the particular issues in specific cases but rather address the topic in more general terms.

Do you favor or oppose the following possible future Supreme Court decisions, or haven't you heard enough about this to have an opinion? . . .

- Overturn Roe versus Wade, thus strike down the 1973 decision that made abortion legal in all 50 states.
- Rule that colleges cannot use race as one of several factors in deciding which applicants to admit.
- Decide that a business owner's religious beliefs or free speech rights can justify refusing some services to gay people.
- Rule that the 2nd Amendment right to "keep and bear arms" protects the right

to carry a gun outside the home.